



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
1400 ...
Alexandria, Virginia 22313-1400
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,064	03/14/2002	Daniel Parkerman	MACV PER02	4364

23348 2669 06/09/2007
Statler-Suh PC
60 SOUTH MARKET
SUITE 480
SAN JOSE, CA 95113

RECEIVED AUG 14 2007

EXAMINER

INV/DOC/NP

ART/UNIT	PAPER NUMBER
----------	--------------

1023

MAIL DATE	DELIVERY MODE
-----------	---------------

06/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

✓
5/1

Office Action Summary

Application No.

10/090,064

Applicant(s)

PUTTERMAN ET AL

Examiner

Son P. Huynh

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 23 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO prior or subsequent reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.104(b).

Status

RECEIVED AUG 14 2007

- 1) ☒ Responsive to communication(s) filed on 20 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims amended 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12, 14-27, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over E831 et al. (US 2004/0117831- hereinafter referred to as E831) in view of Hill et al. (US 2002/0070982 A1) and Yankowski (US 5,751,672).

Note: US 2003/0149988 (hereinafter referred to as E988) is continuation of U.S. application No. 09/332,244, which is incorporated by reference in its entirety in E831.

Regarding claim 1, E831 discloses a method of implementing a user interface for media server for storing media objects comprising music, videos in a networked a media convergence platform through a television display (interpreted as implementing user interface for media server such as server at the television distribution facility, and/or set top box in primary television equipment for storing media objects comprises video, music, Internet content, etc. in user television equipment and/or television distribution facility through a television display 30-- see include, but not limited to, figures 1A-3, 47, paragraphs 0067- 0101, 0117), the networked media convergence platform further comprising a plurality of local networked media devices (e.g., VCR, television, set top box, or secondary user television equipment, server 22, etc. -- see include, but are not limited to, figures 1a-3, 47, paragraphs 0098, 0148, 0208, 0210-0211), the method comprising the steps of:

displaying, on the television display, a selectable item to represent a music application, the music application permits a user to select, add music available within the networked media convergence platform, and to playback the music through a

networked media device in the networked media convergence platform (interpreted as displaying, on a television display, a selectable music icon 112D (figure 3) that is when selected, an application associated with music hub, or play list or title, etc. (hereinafter referred to as music application) in program guide application is activated to display music hub user interface (figure 52). The music application permits the user to navigate through interactive screen to select an available song to add into a play list within the user television equipment and/or television distribution facility, and to playback the song through speakers, audio receiver, stereo receiver, pro-logic digital AC-3 receiver, or other audio equipment in user television equipment and/or television distribution facility--see include, but are not limited to, figures 3, 52-57, paragraphs 0010,0102, 0112,0217-0224); inherently, the dedicated networked audio media device (e.g., the speaker, audio receiver, stereo receiver, pro-logic digital AC-3 receiver, or other audio equipment being configured to only playback audio media object of the song and not video or photo media object);

displaying, on the television display, a selectable item to represent a video application, the video application permits a user to select, add, and delete one or more videos available within the networked media convergence platform, and to playback the video through a networked media device in the networked media convergence platform (interpreted as displaying, on a television display, a selectable items such as movies item (106C, 112A), sports items (106D, 112B), VOD item (106H) (figures 2- 3) that is when selected, an application associated with movies, sports, VOD (hereinafter referred to as video application) in program guide application is activated to display movie hub

user interface, sports hub user interface, etc. (see include, but are not limited to, figures 5-20, 22, 25-40). The video application permits the user to navigate through interactive screens to select one or more available television program/movie to unlock, lock, delete, or recording, or add to favorite list, or remove from favorite list, and to playback through television (30), or set top box, etc. in the user television equipment and/or television distribution facility -- see include, but are not limited to, figures 1A, 2-3, 5-20, 22, 25-40, paragraphs 0101, 0102, 0112, 0122, 0138, 0148-0149, 0163, 0198-0202; E988: 0114, 0167-0169);

receiving input for the media server in the networked media convergence platform from a user to select the music application, the video application (interpreted as receiving input for the set top box and/or server of the television distribution facility from a user via user input devices 29 (i.e. a remote control, mouse, trackball, etc.) to select the music application (associated with music item 112D), the video application (associated with movies items, sports items, VOD item) from the memory of the set top box in primary user television equipment and/or from the server in the television distribution facility-- see include, but are not limited to, figures 1A, 2-3, 5, 47, 52, paragraphs 0103, 0110, 0122, 134, 0172, 0217).

E831 further discloses the program guide application also comprises "Add Guide" item 112N (figure 3) that allow any other theme be added to the program guide menu (figure 3, paragraphs 0119, 0253), media objects comprises clips (figure 13). However, E831 does not explicitly disclose media object comprises photos, and displaying, on a

television display, a selectable item to represent a photo albums application, the photo albums application permits a user to select, add, and delete one or more photos available within the media convergence platform, and to view the photos through a device in the media convergence platform, and deleting music.

Hill discloses media objects comprises photos (figures 2-4), and displaying, on a television display, a selectable item to represent a photo albums application, the photo albums application permits a user to select, add, delete one or more photos available within the media convergence platform, and to view the photos through a device in the media convergence platform (interpreted as displaying, on a television display screen 200, selectable items 202-210, 220-230 that is selected to activate an application to access photo albums, - hereinafter referred to as photo albums application. The photo albums application permits the user to navigate through interactive screens to select, add/create, move/delete one or more album/photo available within the set top box equipped television, and to view the photos through a television in the set top box equipped television- see figures 1-2, 3-6, 8, 11-12, paragraphs 0023-0024, 0028-0031, 0040, 0048). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E831 to use the teaching of photos and displaying selectable item to represent a photo albums application and permitting the user to select a photo available to view on the display screen as taught by Hill in order to improve the ease-of-use and presentation of digital media such as photographs to the

user (paragraph 0004), or to allow user to customize the display of the photograph thereby increase user interesting in viewing the photographs.

Ellis in view of Hill does not explicitly disclose delete music available within the network media platform. However, Yankowski discloses deleting music available in the network (e.g., delete song available in the list, disk, network, etc. – see include, but is not limited to, figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E831 in view of Hill with the teaching as taught by Yankowski in order to improve efficiency in memory utilization for storing songs.

Regarding claim 2, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses displaying, on the television display, a selectable item to represent an Internet content application, the Internet content application permits a user to select an Internet content provider, available to the networked media convergence platform, and to receive content from the Internet content provider through a networked media device of the networked media convergence platform (interpreted as displaying, on a television display, a selectable items such as Web item, shop item (figures 2, 5) that is when selected, an application associated with Web (that provides content from Internet provider using Internet - hereinafter referred to as Internet content application) in program guide application is activated to display Web sites and content from the Web site using Internet (see include, but not limited to, figures 2, 21, 45-46b, 50-51) The Internet content application

permits the user to select an internet provider associated with the website (e.g. internet provider associated with yahoo.com/movies website, with universal.com/movies website, etc. available to user television equipment and/or television distribution facility, and receives content from internet provider through a networked media device such as a DOCSIS modem, or set top box, etc. of the user television equipment and television distribution facility -see include, but are not limited to, figures 1A, 2, 21,45,50-51, paragraphs 0091, 0095, 0098, 0137, 0151, 0153, 0183, 206,215,223).

Regarding claim 3, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses displaying, on the television display, a plurality of items for selection by a user to edit the music application, the photo application, or the video application in response to a predetermined user input (interpreted as displaying, on the television display, a music hub contains a plurality of items (e.g. 631a-631f — figure 52) by a user to edit the music application in response to a predetermined user input (e.g. user selection of music channel to display a screen arranged in channels, user selection of background music to change the music in the background, to blocks a songs from displaying on the screen, to add a song to the list, reorder the themes, etc. — figures 52-57, paragraphs 0121, 0217- 0223, 0229-0234).

In addition, the limitation of "displaying, on a television display, a plurality of items for selection by a user to edit the music application, the photo application, or the video application in response to a predetermined user input" is alternatively interpreted as displaying, on a television display screen 200 a plurality of items (see Hill, paragraphs

202-210, 218-230) for selection by a user to edit the photo application, see Hill, figures 2, 9-18, paragraphs 0040, 0048-0049).

Regarding claim 4, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses displaying, on the television display, status of one or more parameters of the networked media convergence platform (interpreted as displaying, on the television screen, highlighted icon to indicated is the icon currently selected, display only content of the hub currently selected, or lock icon to indicate the media convergence platform currently locked that option, etc. (figures 31, 48, 67, paragraphs 0121, 0127, 0169-200).

In addition, the limitation of "displaying, on a television display, status of one or more parameter of media convergence platform" is alternatively interpreted as displaying, on a television display, a highlighted photo album and title previously given by the user to the currently selected photo album (see Hill, paragraphs 0028-0029).

Regarding claim 5, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music application further permits a user to view, on the television display, one or more objects playing or queued to be played on a networked media device in the networked media convergence platform (interpreted as the user view an object playing or object displaying such as a song, a title of music channel, music video, track and artist information, etc. on display screen in

the user television equipment and television distribution facility (see include, but are not limited to, figures 52-57, paragraphs 0217, 0220-0222).

Regarding claim 6, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 5. E831 further discloses the music application further permits a user to generate and playback one or more playlists (interpreted as the music application permits a user to select and playback song(s) in music channel, in a music video channel, in a song tracks listed of music-on-demand, or in "my play list" – see figures 52-57, paragraphs 0219-0223, 0225, 0230-0231, 0233).

Regarding claim 7, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 6. E831 further discloses the playlists comprises one or more musical objects (interpreted as the music channel, music video channel, music-on-demand, or "my play list" comprises musical object such as artist, album cover, genre, tracks (interpreted as song title, song identifier (e.g. song 1, song 2, and so on)), music channel, play list, etc. see included, but not limited to, paragraphs 0221-0023, 0025-0027, 0029-0231, 0233, figures 53A-57).

Regarding claim 8, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 7. E831 further discloses the musical objects comprise tracks (interpreted as song titles, song identifier, etc.), albums, playlists, artists, and

genres/categories (see included, but not limited to, paragraphs 0221-0023, 0025-0027, 0029-0231, 0233, figures 53A-57).

Regarding claim 9, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music application further permits a user to arrange, view and select, for playback, musical objects by genres (interpreted as, for example, the music application permits a user to select music on demand and/or my play list (661) to arrange, view and select, for playback, musical objects such as song title, artist, etc. by genres such as Alternative, Country, Lite Rock, Jazz Vocals, Symphonia, etc. – figures 54A-54E, 56 paragraphs 0231, 0233).

Regarding claim 10, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music application permits a user to arrange, view and select, for playback, musical objects by artist (interpreted as, for example, the music application permits a user to select my schedule list (661) and/or artist list (666) to arrange, view and select, for playback, musical objects by artist (figures 54A-54E, 56, paragraphs 0231, 0233).

Regarding claim 11, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music application permits a user to arrange, view and select, for playback, musical objects by albums (interpreted as, for example, the music application permits a user to select my schedule list (661) and/or

artist list (666) and/or albums (671) to arrange, view and select, for playback, musical objects by albums (figures 54A-54E, 56, paragraphs 0231, 0233).

Regarding claim 12, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music application permits a user to arrange, view and select, for playback, musical objects by tracks (interpreted as, for example, the music application permits a user to select artist list (666) and/or song titles/song identifier to arrange, view and select, for playback, musical objects by tracks/song names/song identifiers (e.g. song 1, song 2, and so on) - see include, but not limited to, figures 53A-54E, 56, paragraphs 0021-0023, 0231, 0233).

Regarding claim 14, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. Hill further discloses the photo albums application permits a user to arrange, view and select, for playback, photos arranged in photo albums (interpreted as photo albums application, for example, permits a user to select viewing album operation to view and select, for playback, photos arranged in photo albums (e.g. photo albums 202-210) -- figures 2-6, 8, paragraphs 0028-0031, 0040).

Regarding claim 15, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. Hill further discloses the photo albums application permits a user to execute a slide show on a selected photo album (interpreted as user selection of

slide show menu 284 to execute a slide show on a selected album – figures 10-11, paragraphs 0042-0043).

Regarding claim 32, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the dedicated networked audio media device comprises a stereo system (e.g., stereo receiver – paragraph 0102).

Regarding claim 16, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1, wherein the plurality of media devices such as set top box, video recorder (see E831- figure 1A) is interpreted as the claimed “plurality of media devices”. The claimed “television” is interpreted as television (see E831, figure 1A, 2-3 and Hill, figures 1-2, paragraph 0024), the claimed “an input device” is interpreted as user input device (see E831, figure 1A, paragraph 0103 and Hill, paragraph 0029).

Regarding claims 17-27 and 29-31, the additional limitations of the system as claimed correspond to the additional limitations of the method as claimed in claims 2-12, 14-15, 32, and are analyzed as discussed with respect to the rejection of claims 2-12, 14-15, and 32.

5. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over E831 in view of Hill and Yankowski as applied to claim 1 and 16 above, and further in view of Kaplan et al. (US 2002/0180803 A1).

Regarding claim 13, E831 in view of Hill and Yankowski teaches a method as discussed in the rejection of claim 1. E831 further discloses the music may also have recording features that are used to record music (paragraph 0218, lines 14-15). However, E831 in view of Hill does not specifically disclose a user copies a compact disc from audio of a musical object.

Kaplan discloses a method of providing user interface utility programs to allow a user to create CD's using the digital content of interest within the system capable of displaying music, video, photographs (paragraphs 0007, 0037, 0041, 0046, 0050, 0058, figures 1, 5, 7) reads on music application permits a user to copy a compact disc from audio of a music object within convergence platform system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E831 in view of Hill and Yankowski to use the teaching of copy compact disc as taught by Kaplan in order to distribute copies of multimedia content such as music to others (paragraph 0002, last five lines). This in turn allows playback of the removable media, such as a compact disc (CD) on any suitable playback or embedded device (paragraphs 0003-0004), which enables the user to more easily access, share and enjoy multimedia content (paragraph 0033, lines 7-19).

Regarding claim 28, the additional limitations of the system correspond to the additional limitations of the method as claimed in claim 13, and are analyzed as discussed with respect to the rejection of claim 13.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bharat (US 6,577,735) discloses system and method for backing-up data stored on a portable audio player

Hunter et al. (US 6,647,417 B1) discloses music distribution systems.

Berhan (US 6,487,145 B1) discloses method and system for audio data collection and management.

Dunning et al. (US 2002/0082901 A1) discloses relationship discovery engine.

Myers, Jr. (US 2002/0113824 A1) discloses graphic user interface that is usable as a commercial digital jukebox interface.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

July 23, 2007

in 2

Notice of References Cited

Application/Control No.

10/D09,064

Applicant(s)/Patent Under
Reexamination
PUTTERMAN ET AL.

Examiner

Son P. Huynh

Art Unit

2623

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,751,672	06-1998	Yankowski, Carl J.	708/238
*	B	US-6,577,736	06-2003	Bharat, Krishna Asur	380/296
*	C	US-6,867,116	12-2003	Gunnerson, Eric A.	648/15
*	D	US-2002/0082901	06-2002	Denning et al.	795/10
*	E	US-2002/0113824	06-2002	Myers, Thomas D., JR.	345/610
*	F	US-6,487,145	11-2002	Berhan, Michel D.	389/30 15
*	G	US-6,647,417	11-2003	Hunter et al.	709/225
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title, Date, Publisher, Edition or Volume, Reprint Pages
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(n))
Dates in MM-YYYY format are publication dates. Classifications may be US or Foreign.